

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:09CR157

MARSHUN D. STEWART

ORDER

This cause is before the Court on a Motion for Continuance of Trial [18] by the government. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for February 22, 2010. Counsel for the government avers that one of its witnesses, United States Marshal Lisa Stephenson, is scheduled to be out of the country on a prepaid vacation at that time. The government requests a continuance in order to avoid imposing an undue hardship on the witness and her family. Based on the foregoing, the Court finds that the government's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from February 22, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to ensure the availability of one of the government's witnesses. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The government's Motion for Continuance of Trial [18] is GRANTED;

2. That the trial of this matter is continued until Monday, March 1, 2010 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from February 22, 2010 until March 1, 2010 is excluded as set out above;

SO ORDERED, this the 17th day of February, 2010.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE